

REMARKS

The comments of the applicant below are each preceded by related comments of the examiner (in small, bold type).

3. Applicant has amended claims 22,28 and 31 in an effort to overcome the 35 USC § 101, however, these amendments do not overcome the rejection for the following reasons.

With respect to claims 32-34, applicant argues that the claims have been amended to be within the technological arts. Examiner respectfully disagrees and submits that the claimed invention must utilize technology in a non-trivial manner, Furthermore, the claims merely state that a computer is used to store information, however, do not recite or suggest that the computer is being used to carry out any of the processing steps such as reducing a durational risk, providing a prescribed interaction or matching the stored information. Examiner submits that, in the broadest reasonable interpretation of the claim language, these steps maybe carried out manually by a human using information that is merely stored in a computer.

Further amendments have been made.

Furthermore, although the claim states that the durational risk is reduced, there still does not appear to be a concrete result. The durational risk does not appear to be a concrete number or other result that is a result of some particular calculation or algorithm performed by the computer, and therefore, is not directed to statutory subject matter.

The claims have been amended. Reducing the durational risk is the result of an algorithm performed by a computer that is recited in the paragraphs of the claim following the first paragraph. Reducing the durational risk reduces the cost of providing the insurance, a result that is concrete.

... with respect to claim 32, applicant argues that neither Parrish et al. nor Feldman discloses or suggests the use of a prescribed interaction with terminated employees. Examiner respectfully disagrees and submits that Parrish et al discloses a prescribed interaction by teaching that the system is used to intake information based on an interview and discussion with the participant (Col. 3 line 55-Col. 4 line 5) and further teaches a plurality of preselected parameters with a preferential weight associated with each parameter. Examiner submits that interviewing the participant using a computer is an example of a step-by-step prescribed interaction.

The applicant respectfully disagrees.

The relevant portion of the cited passage of the Parrish reference says:

"This includes data intake from the system's user or participant's input directly by a user based upon an interview and discussion with a participant. This interface is through special data entry screens enabling direct population of participant database." From this disclosure, the examiner concludes that "interviewing the participant using a computer is an example of a step-by-step prescribed interaction."

The applicant believes that the examiner has overstated the disclosure of the Parrish patent. Conducting an interview and discussion with the aid of data entry screens is quite different from using a prescribed interaction. While the interview and discussion might be guided or aided by the data entry screens, the words of such an interview and their order would still be a matter of choice and style by the interviewer. There is nothing in Parrish that even hints at the concept that the interview be prescribed. To prescribe an interaction means to prepare a script of the interaction in advance. A script is the "written text of a stage play, screen play, or broadcast" (Webster's New Collegiate Dictionary). In the present context, a prescribed interaction is the written text of the interaction, prepared in advance. Parrish neither discloses nor suggests such prescribing; his interaction is not the subject of a prewritten text.

Cancelled claims, if any, have been canceled without prejudice or disclaimer.

Any circumstance that the applicant has (a) addressed certain comments of the examiner does not mean that the applicant concedes other comments of the examiner, (b) made arguments for the patentability of some claims does not mean that there are not other good reasons for patentability of those claims and other claims, or (c) amended a claim does not mean that the applicant concedes any of the examiner's positions with respect to that claim or other claims.

The applicant requests that the examiner return an initialed copy of Form 1449 filed with an Information Disclosure Statement on May 6, 2002. We enclose a copy for your convenience.

Applicant : Brock W. Callen et al.
Serial No. : 10/012,204
Filed : October 30, 2001
Page : 5 of 5

Attorney's Docket No.: 10180-002003

Enclosed is a \$210.00 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050, reference 10180-002003.

Respectfully submitted,

Date: _____

6/17/01



David L. Feigenbaum
Reg. No. 30,378

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906

20806435.doc